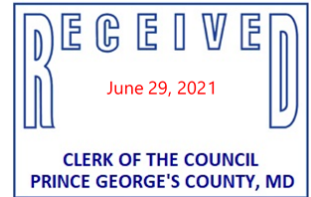


June 29, 2021



Dengar Belt, LLLP
5410 Edson Lane, Suite 220
Rockville, MD 20852

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-20055
Krieger Institute Beltsville

Dear Applicant:

This is to advise you that, on **June 24, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George’s County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board’s decision will become final 30 calendar days after the date of this final notice of the Planning Board’s decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County’s Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: James R. Hunt
Reviewer

Attachment: PGCPB Resolution No. **2021-68**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 24, 2021, regarding Detailed Site Plan DSP-20055 for Kennedy Krieger Institute Beltsville, the Planning Board finds:

1. **Request:** A DSP for a private school for 120 students within an existing commercial building.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-O/R-80	C-O/R-80
Use(s)	Commercial Office	Commercial Office & Private School
Gross Acreage	9.68	9.68
Number of Lots	1	1
Total Gross Floor Area	114,190 sq. ft.	114,190 sq. ft.

PARKING DATA

	REQUIRED	APPROVED
Total Parking Spaces	305	427
Handicapped-Accessible Spaces	8	9 (including 4 van accessible)

3. **Location:** The subject property is located on the east side of Powder Mill Road, at its intersection with Cedar Lane. The project is also in Planning Area 61 and Council District 1.
4. **Surrounding Uses:** The subject property, 4600 Powder Mill Road, is zoned Commercial Office (C-O) and One-Family Detached Residential (R-80) and is developed with a large building, located fully in the C-O-zoned portion, and multiple parking areas. The property is surrounded to the west, southeast, and across Powder Mill Road by developed residential lots zoned Rural Residential (R-R). To the rear and east of the property is land owned by the Beltsville Boys Club, Inc., zoned R-R.
5. **Previous Approvals:** There are no preliminary plan of subdivision (PPS) or final plat approvals associated with the subject site. A Zoning Map Amendment, A-9434-C for this site, known as the Beltsville Office Park, was approved by the Prince George’s County District Council in 1983 to rezone the property to the C-O and R-80 Zones. DSP-83032, for improvements to the existing

44,000-square-foot building on the subject site, was approved in 1983. Subsequently, DSP-83061 was also approved in 1983 for expansion of the building to 70,300 square feet. In 1986, DSP-86101 was approved for further expansion of the building to 113,300 square feet. The site plan approvals for the development were in accordance with the conditions of the A-9434-C approval, which also limited total development to 115,000 square feet.

The subject site originally consisted of three parcels on 11.6 acres, when it was conveyed to the Prince George's County Board of Education (PGCBE) in 1951 for the Beltsville Elementary School. In 1983, the PGCBE conveyed the land to a private entity, GDR III Limited Partnership (GDR), as surplus property. In 1984, GDR conveyed 1.92 acres to the Beltsville Boys Club, and in 1995 it conveyed the remaining 9.68 acres to the trustee holding the loan on the property, in lieu of foreclosure. This conveyance is recorded by deed in Liber 10434 folio 239. Finally, in 1997 the trustee sold and conveyed the subject property to the applicant who is the current property owner. The deed recording this conveyance is Liber 11338 at folio 366. The portion of the building, which is to be used as a private school, was constructed in 1987 as an office use, per DSP-86101. All existing structures on the subject property were constructed prior to 1991, in accordance with site plan approvals and the 1995 trustees' deed validated division of the land.

In accordance with Section 24-107(c)(7)(D) and (10), the existing property and development is not subject to a PPS or final plat, as the subject property was developed prior to 1991 and conveyed to the applicant in 1997, as the result of a foreclosure, and no new gross floor area is proposed. Any new development on the subject site, including a material change in use, which alters the existing office use and its associated impact, will require a PPS, as it would be beyond the exemption afforded for the existing property. The private school use proposed with this application will not cause an impact over and above that normally associated with an office use in the same space within the building. The 39,370 square feet of private school use will generate approximately 109 AM trips and 31 PM peak-hour trips, whereas the same square footage of office use would generate approximately 112 AM and 149 PM peak-hour trips.

6. **Design Features:** The subject application proposes to use 39,370 square feet of the existing, 114,190-square-foot, commercial building for a private school use that will serve up to 120 students with autism. The existing site contains two access points from Powder Mill Road, at either side of the site, leading to the parking areas that wraps the sides and rear of the building. The proposed school will be in the rear (north) of the building and a designated bus and student drop-off and pick-up location is in the northeast corner of the site. A 3,300-square-foot playground area is being proposed immediately adjacent to the rear of the building within a portion of the existing parking area. The playground will be enclosed by a black, vinyl-coated, 42-inch-high, chain-link fence, and rubber safety surface will be put down under proposed play structures. Part of the play area will remain asphalt for a proposed basketball area and other hard surface activities.

The existing building materials, which are to remain unchanged, include exterior insulation finishing system that is tan in color. The entrance to the building, which is elevated and has a single level of parking underneath it, is located on the north elevation. No other changes to the site or building features are being proposed.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9434-C:** Zoning Map Amendment A-9434-C rezoned the subject property to the C-O and R-80 Zones in 1983 and that approval contained eight conditions. All of those conditions were relative to physical development limitations on the property, including setbacks, building height, green space, and square footage, none of which are being revised by the proposed DSP. Therefore, the DSP is in conformance with A-9434-C.
8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-80 and C-O Zones, and with the site design guidelines of the Prince George's County Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-461(b) of the Zoning Ordinance, which governs uses in commercial zones. A private school is permitted in the C-O Zone, subject to the requirements of Section 27-463 of the Zoning Ordinance, that require the DSP and read as follows:

- (a) **Private schools permitted (P) in Table of Uses I in accordance with this Section shall be limited to schools which offer a complete program of nursery school education accredited by the Maryland State Department of Education, or a complete program of academic elementary (including kindergarten), junior high (middle), or senior high school education, and shall be subject to the following:**

The proposed private school is accredited by the Maryland State Department of Education.

(1) Requirements

- (A) **The school shall be located on a parcel of at least five (5) acres, on which the maximum enrollment shall be four hundred (400) students. For each acre over five (5), the total enrollment may be increased by one hundred (100) students. State and local health, education, or fire regulations may reduce the number of students permitted to be enrolled. For the purposes of this Section, enrollment shall mean the total number of students enrolled in the institution at any one (1) time. If there are separate morning, afternoon, and evening sessions, each one of which is attended by**

different students, enrollment shall mean the number of students enrolled in the session having the largest number of students.

The DSP area is 9.68 acres, and the school enrollment will not exceed 120 students, in conformance with this requirement.

- (B) The school may be located on a separate parcel of not less than two (2) acres if enrollment is limited to ninety (90) students, school programs are only for special education students referred from other public or private schools, and all school programs are certified or accredited by the State of Maryland.**

The proposed school is located on the same parcel.

- (C) The property shall have frontage on, and direct vehicular access to, a street having a paved surface at least thirty-six (36) feet wide. This shall not apply where the property is located in sparsely settled or farm area, or where the Planning Board determines that adequate passenger debarkation areas are provided.**

The paved surface of Powder Mill Road is approximately 31 feet wide. However, the school will be in the rear of the building, which sits approximately 379 linear feet from Powder Mill Road. The applicant has indicated that the arrival and departure times are each approximately 1 hour long, during which time 20–25 buses will be dropping off/picking up students. About 70 percent of the students will arrive or depart via the buses, which will have between 1–4 students and be a mixture of short and long buses. The on-site bus route is looped and provides the student drop-off/pick-up on the rear right side of the building. A substantial stacking area of approximately 466 linear feet is provided for bus/vehicle drop-off and each student will be individually escorted between the school and bus/vehicle. Therefore, the Planning Board finds that the on-site passenger debarkation area is adequate for the proposed school.

- (D) An outdoor playground or activity area shall be provided. It shall contain at least one hundred (100) square feet of usable space per student, unless the private school is for special education students and the owner or applicant demonstrates that less usable space per student will be adequate. In no case shall the playground or activity area**

have less than twenty-five (25) square feet per student. The area shall be located at least twenty-five (25) feet from any dwelling on an adjoining lot and buffered from adjoining uses in accordance with the provisions of the Landscape Manual. The area shall be enclosed by a substantial wall or fence at least three (3) feet high for grades six (6) and below, and at least five (5) feet high for other grades.

The private school will be for special needs students and the DSP provides a play area of 3,300 square feet, which meets the minimum 25 square feet per student. However, some of the proposed autistic students will be in grades above sixth, so the playground fence should be raised to 5-feet-high, as required and conditioned herein.

- (E) The requirements of this Section shall not apply to the use of existing public schools which have been conveyed by the Prince George's County Board of Education to either Prince George's County or to any municipality within the County, provided the County or municipality...**

This is a proposed private school, with no ownership by the County or a municipality.

- b. The subject application has been reviewed for compliance with the requirements of the C-O Zone. The layout is consistent with Section 27-453 of the Zoning Ordinance, regulations regarding C-O-zoned properties.
- c. The DSP is in general conformance with the limited applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. For example, grading will be minimized, and all disturbed areas will be restored, and the vehicular and pedestrian circulation is safe and efficient with the parking lot provided to the side and rears of the building.
- 9. 2010 Prince George's County Landscape Manual:** This application is exempt from the requirements of Sections 4.2, 4.3, 4.6, 4.7, and 4.9 the 2010 *Prince George's County Landscape Manual* because the proposal does not involve a change of use from a lower to a higher intensity use category, an increase in impervious surface, or an increase in any building's gross floor area. The proposed private school is located within an existing building and there are no new structures proposed as part of this application.
- 10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-069-2021) because the site contains less than 40,000 square feet of woodland and has no previous tree conservation plan approvals. A Natural Resources Inventory equivalency

letter (NRI-053-2021) has been issued for the site. The NRI was issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted.

11. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is not subject to the requirements of the Tree Canopy Coverage Ordinance because it proposes less than 5,000 square feet of disturbance or new gross floor area.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
 - a. **Subdivision**—The Planning Board adopts, herein by reference, a memorandum dated May 25, 2021 (Health to Butler), that indicated the following:

In accordance with Section 24-107(c)(7)(D) and (10) of the Subdivision Regulations, the existing property and development is not subject to a PPS or final plat, as the subject property was developed prior to 1991 and conveyed to the applicant in 1997, as the result of a foreclosure, and no new gross floor area is proposed. Any new development on the subject site, including a material change in use, which alters the existing office use and its associated impact, will require a PPS, as it would be beyond the exemption afforded for the existing property. The private school use proposed with this application will not cause an impact over and above that normally associated with an office use in the same space within the building. In consulting with the Transportation Planning Section, 39,370 square feet of private school use will generate approximately 109 AM trips and 31 PM peak-hour trips, whereas the same square footage of office use would generate approximately 112 AM and 149 PM peak-hour trips.
 - b. **Transportation Planning**—The Planning Board adopts, herein by reference, a memorandum dated May 24, 2021 (Masog to Butler), that stated the access and circulation were acceptable and meets the requirements of Section 27-463(a)(1)(C).
 - c. **Pedestrian and Bicycle Facilities**—The Planning Board adopts, herein by reference, a memorandum dated May 25, 2021 (Ryan to Butler), that stated the pedestrian and bicyclist circulation on the site is safe, efficient, and convenient pursuant to Sections 27-283 and 27-274(a)(2), the relevant design guidelines for transportation, and concludes that the submitted DSP is deemed acceptable from the standpoint of pedestrian and bicycle transportation with no conditions.
 - d. **Environmental Planning**—The Planning Board adopts, herein by reference, an email dated May 24, 2021 (Juba to Butler), that indicated that the site has an approved Stormwater Management (SWM) Concept Plan (9231-2021) and associated letter, which are valid until April 16, 2024. According to the approval letter, this project is exempt from SWM requirements, since less than 5,000 square feet of disturbance is proposed. The approved concept plan is consistent with the DSP.

- e. **Permits**—The Planning Board adopts, herein by reference, a memorandum dated May 21, 2021, (Shaffer to Butler), that included a comment about the fence height that was conditioned herein.
 - f. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated May 17, 2021 (Luckin to Butler), that indicated that pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.
 - g. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated May 18, 2021 (Berger to Butler), that noted the subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low.
13. As required by Section 27-285(b) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-285(b)(4) provides the following required finding for approval of a DSP:
- (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, and primary management areas are located on-site. Therefore, this finding does not apply.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-20055 for the above described land, subject to the following conditions:

- 1. Prior to certification, the detailed site plan (DSP) shall be revised, as follows:
 - a. Provide a note to include the deed reference to Liber 11338 filo 366 in the general notes.
 - b. Label Parcel 37 on the DSP.
 - c. Increase the proposed height of the fence to 5 feet high for students grade seven and above, per Section 27-463(a)(1)(D) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 24, 2021, in Upper Marlboro, Maryland.

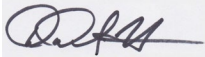
Adopted by the Prince George's County Planning Board this 24th day of June 2021.

Elizabeth M. Hewlett
Chairman

Jessica Jones
By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY (pending hearing)



David S. Warner
M-NCPPC Legal Department
Date: June 14, 2021